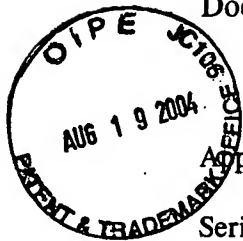


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Docket No. F-8070



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas HAEUPL, et al.
Serial No. : 10/727,167
For : TOOLS FOR THE DIAGNOSIS, MOLECULAR
DEFINITION AND DEVELOPMENT OF
TREATMENT OF CHRONIC INFLAMMATORY
DISEASES
Customer No. : 000028107

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the
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22313-1450 on August 17, 2004

Frank J. Jordan
(Name)


(Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.181 PURSUANT TO
35 U.S.C. 116 AND 37 C.F.R. § 1.47(a)**

Sir:

This Petition is being filed in Response to the Notice of Incomplete
Reply (Nonprovisional), mailed in the case on April 15, 2004, and further to
Applicants' reply, on April 6, 2004, to a Notice to File Missing Parts mailed in
the case on March 17, 2004.

08/19/2004 EAREGAY1 00000034 101250 10727167

01 FC:1460 130.00 DA
02 FC:1253 950.00 DA

F8070 PETITION 35 USC 118 and 37 CFR 1.47a {PC 09}.wpd

This is a Petition to the Commissioner under 37 C.F.R. § 1.181:

(1) to accept an application for patent for which a Declaration signed by all named co-inventors is unavailable because two of three said co-inventors refuse to execute a Declaration; and

(2) to accept as sufficient to meet the requirements for a declaration for patent application, pursuant to the provisions of 35 U.S.C. 118 and/or 37 C.F.R. 1.47(a), the following:

(a.) a Declaration signed by one of the three named joint co-inventors, who has assigned all of his rights and interest in the application to his employer; and

(b.) a Declaration signed by the local legal representative in Germany of the signing co-inventor, declarant's assignee, stating that the non-signing co-inventors refuse to sign the Declaration and affirming said signing co-inventor's interest in avoiding abandonment of the subject U.S. patent application.

The underlying facts are as follows:

(A.) Thomas HAEUPL, Ute UNGETHUEM, and Stefan BLAESS are the three named joint co-inventors of the subject matter of the present application, US Patent Application Serial No. 10/727,167, filed December 1, 2003, which is a Continuation of Application Serial No. PCT/DE02/02010,

filed May 30, 2002, now pending, wherein all three of the above-named individuals are named as the inventors, in which the inventors' employer, Oligene GMBH, a German corporation, is the applicant, and which application claims priority based on German Patent Application No. 101 27 572.2, filed May 30, 2001.

(B.) All three of the above-named joint co-inventors are jointly the inventors of all of the subject matter recited in the claims of the present application.

(C.) The present U.S. application was filed on December 1, 2003, without an executed Declaration and Power of Attorney from the three joint co-inventor applicants, and has been accorded Application Serial No. 10/472,053.

(D.) A German Language Declaration in the present application was executed by Thomas HAEUPL on March 10, 2004.

(E.) An Assignment of all rights in the present application to Oligene GMBH was executed by Thomas HAEUPL March 10, 2004.

(F.) At the time the above German Language Declaration in (D.) and Assignment in (E.) were executed, the joint co-inventors Ute UNGETHUEM and Stefan BLAESSI, whose last known and believed current addresses are Chausseestrasse 93, 10115 Berlin, Germany and Furkstrasse 74, 12107, Berlin,

Germany, respectively, refused and continue to refuse to execute said documents.

(G.) Thomas HAEUPL, as an original one of the three named joint co-inventors of the subject matter of the present U.S. Patent Application, and as assignor of all of his rights and interest in the application to Oligene GMBH, his employer, has a statutory right under 35 U.S.C. 1.118 and a sufficient right and interest in the present application in preventing its abandonment, pursuant to 37 C.F.R. 1.47 (a), to warrant the making of this Petition, pursuant to the provisions of 35 U.S.C. 118 and 37 CFR 1.47, by which it is prayed that Mr. HAEUPL be recognized as agent for Ute UNGETHUEM and Stefan BLAESSI, in order to make application for patent, to execute a Declaration for Patent Application in the present case on his own behalf and on behalf of the non-signing joint co-inventors, Ute UNGETHUEM and Stefan BLAESSI.

(M.) The granting of this Petition and the acceptance of the here accompanying documents as sufficient to meet the requirements for a declaration for patent application, pursuant to the provisions of 35 U.S.C. 118 and 37 C.F.R. 1.47 (a), is necessary to preserve the rights of all of the parties to the application, the applicant of the parent PCT and priority German applications, Oligene GMBH, and Mr. HAEUPL, as well as Ms. UNGETHUEM and Mr. BLAESSI, *in absentia*, inasmuch as they retain rights

and interests in the present application as joint co-inventors; and to prevent irreparable damage to applicant/assignee Oligene GMBH, and all three joint co-inventors, that would result if the Petition were not granted and the application allowed to become abandoned because of the inability to file a Declaration executed by all three original named joint co-inventors.

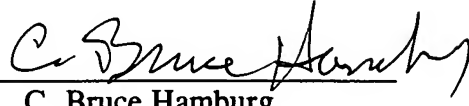
Please charge Deposit Account 10-1250 the petition fee of \$130.00.


This Petition and accompanying Declaration and supporting documents are being filed within a three month extended period of the original time for response to the Notice to File Missing Parts in the case, mailed March 17, 2004, and having a deadline for response of two months from that date of mailing, on May 17, 2004, which period for reply remains as indicated in the Notice of Incomplete Reply. The extended deadline for reply, under a three month extension, therefore, is August 17, 2004. Please charge the \$950.00 fee for a three month extension of time to Deposit Account No. 10-1250.

Please charge any deficiency or credit any overpayment to Deposit

Account No. 10-1250.

Respectfully submitted,
Jordan and Hamburg LLP

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